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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,476	02/06/2004	Hubert Beck	4452-589	7050

27799 7590 06/07/2005

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551 FIFTH AVENUE
SUITE 1210
NEW YORK, NY 10176

EXAMINER

SCHWARTZ, CHRISTOPHER P

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/773,476

Applicant(s)

BECK, HUBERT

Examiner

Christopher P. Schwartz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/16/05
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-162)
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's response filed 3/16/05 has been received and considered. Claims 2 and 3 (previously rejected over prior art) have been canceled and moved into independent claim 1. New claims 9 and 10 have been added. Claims 1, 4-10 are currently pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1,4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duckett in view of Gladieux.

Regarding claim 1 Duckett discloses a device similar to applicants. Note the equalization space provided by the envelope at 18.

Lacking is the connecting element provided in the rod guide 4 and a showing of the particular structure of the connecting element and snap ring.

However note the fill hole at 29 and the gas inlet, or connecting element, at 31.

As discussed previously such couplings are notoriously well known in the art for easy assembly and removal.

One having ordinary skill in the art at the time of the invention would have found it obvious to have modified the device of Duckett so that a connecting element could be provided in the rod guide 4 to connect the envelope 18 to a flow connection, as

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such a modification would amount to an obvious alternative connection arrangement to that of Duckett dependent upon the particular vehicle undercarriage or desired suspension arrangement.

The reference to Gladieux is relied upon to show one such well known coupling arrangement. Please see figures 2-6.

To have provided such a coupling in the device of Duckett would merely amount to an alternative equivalent type of coupling to connecting element shown by Duckett, but as modified above.

The limitations of claims 4,5,8 are considered to merely be an alternative arrangement to that of Duckett, as modified by Gladieux.

Regarding claim 6 to have provided a bushing, as claimed, in the device of Duckett as modified by Gladieux would have been obvious dependent upon the particular type of coupling arrangement selected. Note the support surface (not labeled) for the ring 40 in Gladieux on the coupling, considered to function the same as applicant's bushing. Also, because such couplings are notoriously well known in the art it would have been obvious simply to have used an alternate equivalent type of coupling comprising a bushing dependent upon such well known factors as cost, reliability and sealing capabilities. Please see the references cited, but not applied.

Regarding claim 7 note the seal at 70 in Gladieux.

The limitations of claims 9 and 10 are considered to be met since the references as combined above would meet the claimed limitations.

Response to Arguments

4. Applicant's arguments filed 3/16/05 have been fully considered but they are not persuasive. The gist of applicant's arguments is that the examiner used impermissible hindsight to combine the references and that Gladieux is non-analogous art.

This is simply not found persuasive. Duckett clearly shows a fluid coupling at 26—which is exactly what Gladieux teaches.

Applicant's representative should try and avoid reading the references piecemeal and in a vacuum.

The references are clearly capable of being combined in such a way to meet applicant's claimed limitations without undue experimentation or modifications.

From applicant's specification at pages 3-4, particularly paragraphs 0007-0011, it does not appear applicants are specific to any one type of fluid connecting element due to the repeated use of the word "may". It seems the thrust of the invention is the location of a quick connect type of coupling using a snap ring provided in the end seal of a shock absorber so that it may be filled with fluid. See page 3 paragraph 0005 of applicant's spec.

To that end, Duckett in view of Gladieux clearly meet, or render obvious, the claimed limitations.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the numerous types of coupling arrangements shown in the prior art of record. Please also see the other patents which show alternate locations of the fill couplings. Please see the bushing in Cunningham at 33. Please review the several embodiments in the reference to Bartholomew. Note that some using a busing arrangement while others do not. **Applicant's representative is encouraged to review these references for a teaching of what is old and well known in the art before preparing a response to the action above.**

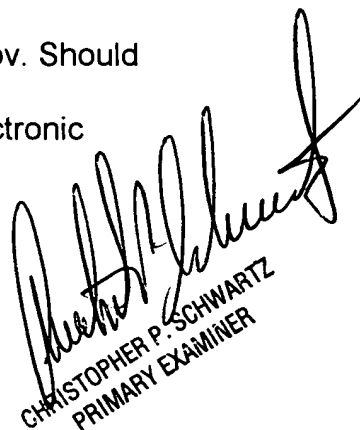
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 703-308-0576. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bucci can be reached on 703-308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cps
11/6/04



CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER